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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ViaSat, Inc.,
a Delaware corporation,

Plaintiff
and Counter Defendant,

v.

Acacia Communications, Inc.,
a Delaware corporation,

Defendant
and Counter Claimant,

) Case No.: 3:16-cv-00463-BEN-JMA
)
) **Joint Motion to Modify Scheduling**
) **Order**
)
)
) Dist. Judge: Hon. Roger T. Benitez
) Hon. Magistrate Jan M. Adler
)
)
) Case Initiated: January 21, 2016
)
)
)
)

1 Plaintiff and counterclaim defendant ViaSat, Inc. (“ViaSat”) and defendant
2 and counterclaimant Acacia Communications, Inc. (“Acacia”) jointly move the Court
3 to modify the August 31, 2016 Scheduling Order (Doc. 26) and extend all discovery
4 and other pre-trial dates by 90 days.

5 Good cause exists for continuing the discovery dates and other pre-trial
6 proceedings because of the large amount of documents being produced in this case,
7 the locations of the deponents, and the technical issues involved. The initial
8 productions of documents by the parties were delayed due to each party’s demand
9 on the other for an identification of trade secrets, but the parties have been working
10 together to accelerate their production of documents since the productions
11 commenced. To date, ViaSat has produced roughly 57,000 pages of documents and
12 Acacia has produced roughly 40,000 pages of documents. Both parties need some
13 additional time to complete document production. After completing the exchange
14 of documents, the documents must be reviewed and analyzed by counsel and experts
15 before depositions are taken. Those depositions will require scheduling coordination
16 and extensive travel time to both Cleveland, Ohio and Boston, Massachusetts where
17 the primary witnesses are located. Further, both parties have retained experts, who
18 will require additional time to review the technical documents exchanged, the
19 computer source code soon to be made available for inspection, and the deposition
20 transcripts of the fact witnesses before preparing their final opinions and Rule 26
21 reports.

22 Counsel for both parties believe that the existing case schedule would be
23 difficult or impossible to meet, and that both parties and the Court will benefit from
24 extending the current deadlines by 90 days, in order to facilitate the efficient
25 completion of discovery, preparation of dispositive or possibly dispositive motions
26 and, if necessary, trial preparation. This is the first request to modify the scheduling
27 order, and the parties hope and expect it to be the last.

1 Therefore, the parties respectfully request that the Court issue an amended
2 scheduling order extending the discovery and pretrial dates by 90 days as follows:

3 1. Completion of all fact discovery shall be continued from May 1, 2017
4 to August 1, 2017.

5 2. Compliance with the disclosure provisions in Rule 26(a)(2)(A) and (B)
6 of the Federal Rules of Civil Procedure shall be continued from June 1, 2017 to
7 September 1, 2017.

8 3. Disclosure regarding contradictory or rebuttal evidence under Federal
9 Rules of Civil Procedure 26(a)(2)(D) and 26(e) shall be continued from June 30,
10 2017 to September 30, 2017.

11 4. Completion of all expert discovery shall be continued from August 1,
12 2017 to November 1, 2017

13 5. The filing deadline of all other pretrial motions shall be continued from
14 August 28, 2017 to November 30, 2017.

15 6. The Mandatory Settlement Conference scheduled for October 30, 2017
16 shall be continued approximately 90 days to a date determined by the Court.

17 7. The pre-trial disclosure requirements of Federal Rule of Civil
18 Procedure 26(a)(3) shall be continued from November 13, 2017 to February 12,
19 2018.

20 8. Compliance with Civil Local Rule 16.1(f)(4) shall be continued from
21 November 27, 2017 to February 28, 2018.

22 9. Preparation of the pretrial order and compliance with Civil Local Rule
23 16.1(f) shall be continued from December 4, 2017 to March 5, 2018.

24 10. Preparation, service, and lodging of the Proposed Final Pretrial
25 Conference Order shall be continued from December 11, 2017 to March 12, 2018.

26 11. The final Pretrial Conference scheduled for December 18, 2017 shall
27 be continued approximately 90 days to a date determined by the Court.
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Dated: February 22, 2017

FITZGERALD KNAIER LLP

By: s/ Kenneth M. Fitzgerald
Kenneth M. Fitzgerald, Esq.
Keith M. Cochran, Esq.
Attorneys for Plaintiff and Counter
Defendant ViaSat, Inc.

Dated: February 22, 2017

WOLF, GREENFIELD & SACKS, P.C.

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Counter Claimant Acacia
Communications, Inc.

SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Michael A. Albert, Esq., and I have obtained his authorization to affix his electronic signature to this document.

Dated: February 22, 2017

FITZGERALD KNAIER LLP

By: s/ Kenneth M. Fitzgerald

Kenneth M. Fitzgerald, Esq.

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Attorneys for Plaintiff and Counter
Defendant ViaSat, Inc